Court No. 3

Criminal Misc. Application No. 259 of 2003

Bipin Balodi
S/o Sri Rajendra Prasad Balodi,
R/o C-221, Pipal Wali Gali,
Subhash Nagar,
Roorkee …… Applicant

Versus

Family Court, Dehradun and other ……. Opposite Parties

Hon'ble Irshad Hussain, J.

Heard learned counsel for the petitioner. This is a petition under section 482 of the Cr.P.C. against the impugned order dated 30.09.2003 whereby the respondent no. 2 (wife) has been granted interim maintenance @ Rs. 1500/- per month during the pendency of the petition under section 125 of the Code. It has been pointed out that on that very day i.e. 30.09.2003 the learned Judge Family Court also passed an order of interim maintenance @ Rs. 1000/- per month in a petition under section 24 of the Hindu Marriage Act, 1956 and that cumulatively the total amount of the interim maintenance is excessive and beyond the capacity of the petitioner (husband) to pay to the respondent 2.

From perusal of the petition u/s 125 of the Cr. P.C., copy of which is on the record, it is a evident that the respondent no. 2 claimed that her husband is engaged in business. No particulars of the business and the nature of the same has been divulged in the petition. In order words the claim in this regard is highly vague. The respondent no. 2 has been residing seqarately and considering this there is to be no need to issue notice to the respondent no. 2 and the petition may be disposed of finally today itself on consideration of the matter on record.

Having gone through the material on the record the total sum as interim maintenance in both the proceedings come to Rs. 2500/- per month, besides the litigation expenses granted to her in proceedings under section 24 of the Hindu Marriage Act. A sum of Rs. 1000/- had been granted as interim maintenance in the proceedings under section 24 of Hindu Marriage Act and, therefore the

impugned order dated 30.09.2003 may be modified so as to reduce the interim maintenance to Rs. 500/- month. Respondent no. 2 (wife) shall thus be able to receive Rs. 1500/- per month as interim maintenance which will be just an proper in the circumstances of the case.

The present petition is disposed accordingly. The impugned order dated 30.09.2003 is modified to the extend that the interim maintenance is reduced to Rs. 500/- per month in the to proceedings u/s 125 of the Cr. P. C.

(Irshad Hussain, J.)

24.10.2003
ASWAL